

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Sherry Dodd,

Plaintiff,

vs.

Kilolo Kijakazi, Acting Commissioner of
Social Security Administration,

Defendant.

Civil Action No.: 8:21-cv-3411-SAL

ORDER

Plaintiff Sherry Dodd (“Plaintiff”) brought this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for supplemental security income under Title XVI of the Social Security Act. [ECF No. 1.] In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a) (D.S.C.), this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial handling.

On October 26, 2022, the Magistrate Judge issued a Report and Recommendation (“Report”), recommending that the Commissioner’s decision be reversed under sentence four of 42 U.S.C. § 405(g), with a remand of the cause to the Commissioner for further proceedings. [ECF No. 14.] On November 9, 2022, the Commissioner filed a Notice of Not Filing Objections to the Report. [ECF No. 15.]

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically

objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the decision is **REVERSED**, and the court **REMANDS** this matter to the Commissioner for further administrative proceedings in accordance with the report and pursuant to sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

/s/Sherri A. Lydon

The Honorable Sherri A. Lydon
United States District Court Judge

November 22, 2022
Columbia, South Carolina